UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/51/481
11 October 1996

ORIGINAL: ENGLISH

Fifty-first session
Agenda item 110 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Afghanistan

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly a brief interim report on the situation of human rights in Afghanistan prepared by Mr. Choong-Hyun Paik, Special Rapporteur of the Commission on Human Rights, in accordance with Commission on Human Rights resolution 1996/75 of 23 April 1996 and Economic and Social Council decision 1996/280 of 24 July 1996.

ANNEX

Interim report on the situation of human rights in Afghanistan submitted by the Special Rapporteur of the Commission on Human Rights in accordance with Commission resolution 1996/75 and Economic and Social Council decision 1996/280

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I. INTRODUCTION

1. A special rapporteur was first appointed to examine the human rights situation in Afghanistan in 1984 by the Chairman of the Commission on Human Rights, who had been requested to do so by the Economic and Social Council in its resolution 1984/37 of 24 May 1984. Since then, the mandate has been renewed regularly by resolutions of the Commission, endorsed by the Economic and Social Council, in which the Special Rapporteur was requested to submit reports to the Commission and to the General Assembly. The former are contained in documents E/CN.4/1985/21, E/CN.4/1986/24, E/CN.4/1987/22, E/CN.4/1988/25, E/CN.4/1989/24, E/CN.4/1990/25, E/CN.4/1991/31, E/CN.4/1992/33, E/CN.4/1993/42, E/CN.4/1994/53, E/CN.4/1995/64 and E/CN.4/1996/64 and the latter in the annexes to documents A/40/843, A/41/778, A/42/667 and Corr.1, A/43/742, A/44/669, A/45/664, A/46/606, A/47/656, A/48/584, A/49/650 and A/50/567.

2. At its fifty-second session, the Commission on Human Rights decided, by its resolution 1996/75 of 23 April 1996, to extend the mandate of the Special Rapporteur for one year, an extension which was approved by the Economic and Social Council in its decision 1996/280 of 24 July 1996.

3. At its fiftieth session, after considering the report submitted to it by the Special Rapporteur, the General Assembly, by its resolution 50/189 of 22 December 1995, decided to keep under consideration at its fifty-first session the situation of human rights in Afghanistan, in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

4. Subsequent to the renewal of the mandate by the Commission on Human Rights at its fifty-second session, and in accordance with past practice, the Special Rapporteur briefly visited the area in order to obtain a preliminary impression. He visited Pakistan on 14, 16, 17 and 20 July, Afghanistan from 15 to 20 July and the Islamic Republic of Iran from 21 to 29 July 1996.

5. In September 1996, the Special Rapporteur travelled to Paris where he held extensive meetings with the officials of the United Nations Educational, Scientific and Cultural Organization (UNESCO) at the organization's headquarters. The Special Rapporteur met with the Convenor of the Afghanistan Task Force, the Assistant Director-General for Social and Human Sciences, the Director of the World Heritage Centre and a Programme Specialist for Asia and the Pacific at the Centre, the Director of the Unit for the Promotion of the Status of Women and Gender Equality, the Director of the Department of Women and the Culture of Peace, and with the Assistant Director-General for Education. During the discussions, particular emphasis was placed on the issues of education, including education for women, and the situation of the Afghan cultural heritage.

6. The Special Rapporteur has the honour to submit his interim report to the General Assembly, which was finalized on 30 September 1996, in compliance with Commission on Human Rights resolution 1996/75 and General Assembly resolution 50/189.

7. The new Special Rapporteur on the situation of human rights in Afghanistan, Mr. Choong-Hyun Paik, was appointed in April 1995. He undertook a first brief mission to Afghanistan and Pakistan from 25 to 31 August 1995 and visited Kabul, Jalalabad and Mazar-i-Sharif. The Special Rapporteur visited Afghanistan and Pakistan again from 15 to 24 January 1996 and travelled to Kabul, Herat and Kandahar.

8. The Special Rapporteur wishes to express his sincere appreciation to the Governments of Afghanistan, Pakistan and the Islamic Republic of Iran for extending their full cooperation during the course of the mission. He also wishes to thank the provincial authorities in Kandahar, Mazar-i-Sharif and Bamyan for the valuable assistance accorded to him when he visited those areas.

9. The Special Rapporteur wishes to thank the United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan (UNOCHA), the Office of the United Nations Resident Coordinator, United Nations Development Programme (UNDP) in Tehran and the Office of the United Nations High Commissioner for Refugees (UNHCR) offices in Tehran and Mashad for the most efficient logistical support and kind assistance extended to him in the field, especially as plans had to be changed at very short notice. He also wishes to express his sincere gratitude to UNESCO for the excellent programme of meetings and valuable information provided to him on the occasion of his visit to the organization's headquarters.

10. During his first two visits to the area, the Special Rapporteur set out to acquaint himself with the situation of the direct victims of human rights violations as well as of the civilian population of Afghanistan in general, including that of internally displaced persons. In addition, he visited Afghans living in refugee camps in Pakistan and spoke to other Afghans living in that country. During his recent visit to Afghanistan, Pakistan and the Islamic Republic of Iran, the Special Rapporteur decided to meet also with the representatives of the governmental and provincial authorities in those countries, in order to gain comprehensive insight into the situation covered by his mandate.

11. After obtaining a preliminary impression regarding the overall situation of human rights in Afghanistan, the Special Rapporteur intended to modify to a certain extent the structure of his previous reports to the General Assembly and the Commission on Human Rights by focusing on a limited number of specific issues of concern to which he wanted to draw the attention of the international community. However, in view of the important and far-reaching developments which have taken place in Afghanistan in September, at the time of the finalization of the present report, the Special Rapporteur decided to retain the basic structure of his previous reports, with some modifications.

II. VISITS TO AREAS OF AFGHANISTAN

A. Kabul

12. Although the power structure in Afghanistan has been modified significantly since the Special Rapporteur's visit to the area, he nevertheless wanted to provide information in the present report about his visit to the country in July 1996.

13. The Special Rapporteur was received by the President of Afghanistan, Mr. Burhanuddin Rabbani, with whom he discussed, inter alia, the issue of the Afghan cultural heritage. Mr. Rabbani was pleased to note the importance accorded by the Special Rapporteur to this question and his appreciation of the Afghan cultural tradition. He informed the Special Rapporteur that Afghanistan had in the past been home to several religions and was one of the most important cultural centres in the world. Mr. Rabbani stated that the Government that he headed had announced a general amnesty when it took office and was not biased against persons who had worked for previous Governments. He emphasized that all wars in Afghanistan were the result of foreign intervention and that Afghanistan had never exercised any aggression abroad. Mr. Rabbani voiced the Government's respect for human rights and stated that there was a high degree of freedom of expression. He said that political parties could carry out their activities and that women were free to work in offices and had the right to be active in the political, economic and social spheres.

14. The Special Rapporteur met with Mr. Najibullah Lafraie, the Minister of State for Foreign Affairs, with whom he exchanged views on the current situation in Afghanistan. Mr. Lafraie stated that foreign interference was the main factor of war in Afghanistan. He indicated that it was the policy of Afghanistan to solve problems by peaceful means and described the initiatives undertaken by his Government to that end, involving all factions. Mr. Lafraie also welcomed initiatives by the United Nations and the Organization of the Islamic Conference. He expressed the hope that the agreement the Government had reached with Mr. Gulbuddin Hekmatyar to join it as Prime Minister, which he described as a totally intra-Afghan process, would serve as an example. As regards cultural artifacts, the Special Rapporteur was informed that seven or eight years' worth of work of a famous miniaturist painter on the Governor's building in Herat had recently been defaced upon instructions of the local authorities.

15. The Special Rapporteur met with the Mayor of Kabul, Mr. Mohammad Ibrahim Warsaji, with whom he raised the issue of remedies and protective measures for victims of human rights violations. The Mayor indicated that many violations were the legacy of the long-standing conflict in Afghanistan which had engendered a culture of terror in the country. He stated that his office was following closely the situation in Kabul and that he personally submitted reports on violations to the President and to the High Council who subsequently issued instructions to the Security Commission and other competent organs dealing with the administration of justice.

16. The Special Rapporteur was received by the newly appointed Minister of Defence, Mr. Sabaoon, who expressed gratitude to the Special Rapporteur, whose

task it was to help Afghans. He indicated that problems could not be solved through bloodshed but around the negotiating table and that every nationality in Afghanistan had its rights. During the discussion, the Special Rapporteur raised the issue of mines and demining operations. Mr. Sabaoon expressed the readiness of the Government to provide information to assist in demining.

17. The Special Rapporteur met once again with the President and other members of the Lawyers' Association of Afghanistan who informed him about the creation of three important legal bodies by the Association: an Islamic law board, a contemporary law board and a human rights commission board. The Special Rapporteur was informed about the Association's activities in providing legal assistance free of charge and about a project regarding returnees elaborated within the framework of the Association's human rights commission. Research was under way for material on the situation of prisoners. The Special Rapporteur's assistance was sought in connection with the publication and dissemination of material on this type of activity. The representatives of the Lawyers' Association indicated that they had issued more than 22 statements regarding the protection of human rights over the past year over the radio and television as well as in newspapers and magazines and had received numerous requests for assistance from the public. A number of publications provided to the Association by the Centre for Human Rights had been translated into the Dari and Pashtu languages. The Special Rapporteur urged the members of the Association to further increase the accessibility of their services to the public by disseminating maps with the location of their branch offices and to bear in mind the needs concerning legal assistance of widows, the disabled and other vulnerable groups.

18. The Special Rapporteur visited for the second time the 400-bed Military Medical Academy Hospital where he met with the Director, Lt. Gen. Soheila. She told the Special Rapporteur that women were informed about and enjoyed all their rights and participated in social, economic and political life. She stated that it was recognized that women had an essential role to play in society and occupied high positions. General Soheila told the Special Rapporteur that the hospital encompassed a faculty of military medicine as well as a nursing institute that was linked to the Ministry of Public Health. Training was also provided for laboratory and X-ray technicians, physiotherapists and technicians for electrocardiograms. Also present at the meeting were three high-ranking female officers serving as heads of different services at the hospital.

19. While in Kabul, the Special Rapporteur visited the Ashiana children's centre. The Administrator informed the Special Rapporteur that the programme included children 6 to 14 years of age who were responsible for their families as wage earners by collecting papers and firewood, shining shoes, burning incense, begging or collecting scrap metal, or had become destitute as a result of the war. Some of the children were orphans and lived with relatives and had not attended school. Social workers asked the family for permission to include the children in their programme which provided basic pre-school education, health education through nutrition and facilities for personal hygiene, but no accommodation. The objective of the programme was to provide the children with play and interaction in order to relieve stress caused by rocket and bomb attacks, child abuse and child labour. The children also visited vocational training centres in order to be able to identify their interests. The Special

Rapporteur was informed that the programme was implemented in two centres which included 250 children. Some 28,000 such children were reportedly identified in 10 districts of Kabul. The centres also provided children with two meals. The Ashiana centres received assistance from the United Nations and a non-governmental organization (NGO).

20. During a previous visit to Kabul, the Special Rapporteur met with a group of widows who informed him about their situation. During his last visit to the area, the Special Rapporteur requested a follow-up meeting with the same group in order to assess whether their situation had improved. Some of the widows were teachers and informed the Special Rapporteur that they earned the equivalent of US$ 4 a month, half of which was absorbed by rent. They stated that their diet consisted mostly of bread and tea. As a result, their children often fell ill and recovered slowly, even from common colds. The widows stated that they did not receive any assistance. As women living alone, they feared for their security since criminality was on the rise owing to the increase in prices. The widows told the Special Rapporteur that they would not be able to survive without working.

21. The Special Rapporteur met with the members of the Advisory Group on Gender Issues in Afghanistan, an ad hoc United Nations and non-governmental organizations working group, formerly known as the Afghan Women's Network, which was established by a number of Afghan women who had attended the Fourth World Conference on Women held at Beijing. The Group's principal objectives are to include women in the peace process, to ensure the guarantee of women's basic rights such as education, employment outside the home and security, and to promote and increase the participation of women in all aspects of the United Nations and NGO programmes: design, management, implementation, monitoring and evaluation. The Special Rapporteur was impressed by the Group's activities which have resulted, inter alia, in the elaboration of a United Nations operational strategy on gender issues. Afghan housewives and women from schools as well as those working with the United Nations and NGOs meet twice a month within the framework of the Afghan Women's Network. Both Afghan and expatriate women and men meet once a month within the Women's Advisory Group. Membership in both groups is mostly on a voluntary basis.

22. The Special Rapporteur met the members of the Advisory Group on Gender Issues who were participating in a gender training workshop held at Kabul on 15 and 16 July 1996 as part of a series of gender, communication and leadership workshops conducted for Afghan women in the course of 1996. The issues discussed at the July workshop included: gender terminology, the role of Afghan women and men in decision-making, formal and non-formal education, barriers to Afghan women's involvement in development, barriers to communication as well as practical skills such as conducting meetings and preparing reports. The members of the Advisory Group expressed interest in maintaining contact with the Special Rapporteur and asked to receive the publications of the United Nations Centre for Human Rights.

B. Kandahar

23. The Special Rapporteur met with Mullah Abbas, the Attorney-General and member of the Taliban Shura (Council). Mullah Abbas stated that Afghans were interested in achieving peace in the country and that it is up to them, especially the leaders, to strive to bring peace and stability to the country. He also indicated that Afghans wanted the international community to help them achieve these goals. In his opinion, two factors were important in the efforts to bring peace to the country: neighbouring countries should refrain from interfering in Afghan affairs; and the views of the Afghan people ought to be sought, either through a referendum or by other means. The Attorney-General informed the Special Rapporteur that the Taliban considered four issues important for obtaining the support of the population: security; protection of public property; imposition of the Islamic sharia law and the disarming of people; these issues had received the support of the whole population. The Special Rapporteur stated that the protection of public property should include the protection of the Afghan cultural heritage and the prevention of looting of cultural artifacts and illegal trafficking in them. Mullah Abbas informed the Special Rapporteur that a large amount of money had just been provided for the restoration of the Herat mosque.

24. The Special Rapporteur stated that, as a professor, he had a particular interest in education, including the education of women. The Attorney-General agreed with the Special Rapporteur that it was very important always to take into consideration the religious and cultural values of a society. He pointed out that a situation of war was different from a situation where normal conditions prevailed and that rules and regulations could not be applied in the same manner as they would in time of peace. When Afghanistan emerged from the situation of conflict, general education could be imposed, as education required a specific environment and atmosphere. He indicated that the authorities were striving and would try to do their best in order to achieve this. The achievement of peace should be a priority; everything else would follow. The approach adopted was to go step by step, and improvements would be achieved in the same manner. He expressed readiness to hear views formulated by the Special Rapporteur. Mullah Abbas stated that the Taliban had always respected women, who enjoyed full protection in areas under their control, and that it could be stated clearly that they had not suffered abuses. He indicated that efforts were under way to draft a civil code. Mullah Abbas told the Special Rapporteur about the construction of the new central jail and expressed the hope that the conditions there would allow prisoners to receive vocational training. In conclusion, he stated that the best way to be informed about the situation in a given area was to have a representative there.

25. The Special Rapporteur visited the central prison in Kandahar. He was not accompanied on that occasion by the member of staff of the Centre for Human Rights, a female human rights officer, who assists the Special Rapporteur in carrying out his mandate.

26. The Special Rapporteur met with Mullah Mohammad Hassan, the Governor of Kandahar and acting head of the Taliban Shura (Council). On this occasion, he was not accompanied by the female member of the staff of the Centre for Human Rights who assists the Special Rapporteur in carrying out his mandate.

27. The Special Rapporteur met with the representatives of the Gender Development Programme in Kandahar. He was informed that the only education available to girls in Kandahar above ages 7 or 8 was home-based education. The Special Rapporteur expressed concern at the closing of the nursing school for girls. He was informed that there were no job opportunities for women in Kandahar, which placed the majority of women, who are widows and in need of an income, in a desperate situation.

C. Mazar-i-Sharif

28. The Special Rapporteur met with Mr. Ghul Khan Ahmadi, the Deputy Governor of Balkh Province. The Special Rapporteur was informed that in view of the security prevailing in the province, numerous persons from all over Afghanistan were coming to the north of the country and governmental and educational institutions were functioning in an organized and systematic manner. This was also the case with factories and electricity plants. The Special Rapporteur was further informed that United Nations agencies provided assistance for irrigation and agriculture. The Deputy Governor stated that some 1,800 families, amounting to approximately 15,000 persons, mostly from Kabul, were staying in the Kabar camp for internally displaced persons. Water supply and out-patient clinic services were provided free of charge. The situation of internally displaced persons was rendered difficult as a result of insufficient job opportunities. In addition to the internally displaced, a number of returnees from Pakistan and the Islamic Republic of Iran were also staying in Balkh Province.

29. The Special Rapporteur was received by General Majid Rusi, the military adviser to General Abdul Rashid Dostom, the head of the National Islamic Movement of Afghanistan. General Rusi told the Special Rapporteur that the principal issue in Afghanistan was the war and that what prevented the Afghan people from coming to the negotiating table in order to settle their differences was foreign interference. The protection and preservation of cultural heritage of Afghanistan was of the utmost importance. In addition to historical relics, it was also important to preserve a country's customs and traditions. The Special Rapporteur was informed that 2 billion afghanis had been allocated for the restoration of the Holy Shrine in Mazar-i-Sharif and that 70 per cent of the work had already been completed. The authorities were continuing their policy of stringent measures of control and eradication of the production of narcotics and measures had also been taken to prevent trafficking and sale. Regarding education, General Rusi stated that there were some 8,000 students in Mazar-i-Sharif and preparations were under way to open a school of sharia (Islamic law). The authorities were assisting refugees and internally displaced persons by providing sheep, flour, wheat, oil and medicines. The General expressed the readiness of the authorities to cooperate with the United Nations, NGOs or any other organization in the field of health, education, human rights and the economy.

30. During his stay in Balkh Province, the Special Rapporteur visited a site near the ancient city of Balkh where illegal excavation of cultural artifacts was taking place at a burial ground. He saw pieces of broken glass and pottery and numerous remnants of bones. He was informed that numerous artifacts excavated from the site were subsequently smuggled outside Afghanistan.

31. The Special Rapporteur met with the Chief of Police of Balkh Province, with whom he raised the question of illegal excavation sites and the protection of the cultural heritage. The Chief of Police described the difficulties in enforcing the law in the absence of peace and stated that there was no proof that substantial looting of the cultural heritage was taking place in the northern part of Afghanistan. More than 2 billion afghanis had recently been invested in the repair of the holy shrine in Mazar-i-Sharif. The Special Rapporteur was informed that fewer incidents of opium production and trafficking had been registered in 1996 and that an area of approximately 10 hectares where opium had been cultivated had been destroyed by the authorities. A number of addicts were identified and provided with assistance and five of them were placed in clinics. He was further informed that prisoners were provided with vocational training in calligraphy and carpentry or as coppersmiths and that there were no women prisoners.

32. The Special Rapporteur visited the prison in Mazar-i-Sharif, where he had a brief meeting with the head of security for Balkh Province who also heads the committee for the restoration of the holy shrine. He was informed that prisoners received twice-weekly visits and that families could bring food to the inmates. He visited the prison canteen where prisoners could buy additional food and where prices were controlled by a commission composed of inmates. A special room was provided for imprisoned officers.

33. The Special Rapporteur visited the camp for internally displaced persons outside the city of Mazar-i-Sharif which is mostly populated by persons who had fled the fighting that has taken place in Kabul in recent years. He was informed that there was another camp for internally displaced persons in the vicinity of Shebergan. He visited the mud houses which the people living in the camp had built and where an average of eight persons lived. He also visited one of the schools in the camp where children sat on the floor and was informed that they lacked textbooks and stationery. Classes had an average of 20 to 25 pupils. The internally displaced persons with whom the Special Rapporteur spoke stated that their principal problems were securing vital foodstuffs, education and hygiene. He was informed that 60 per cent of the children in the camp suffered from malnutrition while 30 of the inhabitants were not capable of working and were undernourished as well; 5 per cent were handicapped. Some 10 per cent of the women in the camp were widows. The camp housed a clinic run by the Iranian Red Crescent Society.

34. At a community centre consisting of a clinic, a kindergarten, a library and gardening and other projects, the Special Rapporteur met with a group of Afghan women of varied professional backgrounds. The participants in the meeting included: the head of the Female Shura (Council) of the North; the Dean of the Law Faculty of the University of Balkh and member of the local Human Rights Committee; the Head of the Women's Social and Labour Affairs Department of the Northern Provinces; a professor of international law at the Law Faculty of the University of Balkh; a professor of history at the University of Balkh; the principal of a high school in Mazar-i-Sharif; a judge; a representative of the Department of Human Rights of the Cooperation Centre for Afghanistan; and representatives of the following: Oxfam women's programme, Save the Children Fund, Women's Programme at Habitat, Office of Project Services (OPS) of the United Nations Development Programme (UNDP). The Special Rapporteur was asked

about the possibility of establishing field monitors in several localities in Afghanistan in order to monitor the situation of human rights continuously. He received information about the four-member Human Rights Committee in Mazar-i-Sharif and was requested to send materials published by the United Nations Centre for Human Rights.

35. The Special Rapporteur was informed that his assistance would be welcome in the field of human rights and in particular with regard to the status of children. One of the most serious issues encountered by the judge was the violation of children's rights. Another important concern was the insufficient number of orphanages, schools and educational institutions. The Special Rapporteur was told that many children who had lost their parents or had had to leave other provinces and had no housing resorted to criminal activities. Others were breadwinners even at the age of nine.

36. He was told by the representative of the Women's Social and Labour Affairs Department of the Northern Provinces that women organized seminars every three weeks. The question of the creation of women's councils in villages was also being examined. One of the causes of human rights violations in Afghanistan was the lack of education as a result of the protracted conflict. There was a need in the area for an office of UNESCO, whose assistance was viewed as being very important in family planning and pre-school education and in education in general. A request was also made for the establishment of an office of the United Nations Population Fund (UNFPA). Information was provided to the Special Rapporteur about the role of women in dealing with sanitation, water and hygiene as well as in the prevention of epidemic diseases. Security and the crime rate as well as abductions and forcible marriages were cited among the other problems encountered by women in Afghanistan.

37. The Special Rapporteur was informed about non-formal education programmes for women the main objectives of which were human development, practical skills and community development. The Literacy Department of Balkh Province selected the facilitators, who taught classes within the local community. Teaching materials were published in the Dari and Pashtu languages. Classes were also provided in basic health. The Special Rapporteur was informed that the creation of women's shuras (councils) was one of the ways in which the newly acquired skills could be implemented.

D. Yakaolang

38. The Special Rapporteur was received in Yakaolang (Bamyan Province) by Mr. Juya, a representative of the Yakaolang Shura (Council) and Head of the Culture and Education Department; by Dr. Tura, the Chancellor of Bamyan University; by Mr. Mohammadi, the leader of the Hezbe Wahadat political party; by Professor Saadat, the head of the judiciary of Hezbe Wahadat; and by Mr. Annabi, the head of the Hezbe Wahadat Committee for Cultural Affairs. Prof. Saadat explained that the Hezbe Wahadat Islamic party was composed of nine committees, one of which was devoted to judicial affairs. The Judicial Committee had a Prosecutor's Office composed of three branches: for political offenders, for military offenders and for social offenders. The other section of the Committee was concerned with the courts of first and of final instance.

Prisoners had access to education and could participate in sports, listen to music, etc. Prof. Saadat told the Special Rapporteur that the Hezbe Wahadat wished to act in conformity with all standards and norms of human rights. The Special Rapporteur was urged to open an office in Bamyan.

39. With regard to women, the Special Rapporteur was informed that nine members of the 60-member Hezbe Wahadat Central Committee were women and that they enjoyed the same rights as men. The head of the Committee for Cultural Affairs reported that the Committee conducted educational activities with various cultural organizations and associations and social functions such as holding celebrations and disseminating information to the public. Men and women participated in all three spheres of activity.

40. The Special Rapporteur was informed about the establishment of Bamyan University, which currently comprised the faculties of agriculture and of natural sciences. Two out of 10 lecturers in each faculty were women. There were five women among the 80 students. Out of 31 schools, 11 were for girls; some schools were co-educational. Of the total of some 8,000 students, 1,500 were girls and there were 111 female teachers. The representatives of the Bamyan authorities with whom the Special Rapporteur met hoped that he was able to gain an insight into how much more needed to be done regarding education and educational institutions in the province as well as teaching facilities and materials. He was told that the Hezbe Wahadat was contemplating sending a delegation to Europe and the United States of America to ask various universities for assistance. Readiness was expressed to accept foreign professors and to send teachers for training abroad. The Bamyan leadership would also seek assistance from the United Nations to further enhance education in the province, and they urged him to appeal for greater involvement of the United Nations regarding education at all levels in Bamyan. It was envisaged to add three additional faculties with some 600 students to the two existing ones at Bamyan University in 1997.

III. PAKISTAN

Islamabad

41. The Special Rapporteur met in Islamabad with Mr. Arif Ayub, Director General, Afghanistan Desk, Ministry for Foreign Affairs of Pakistan, with whom he exchanged views regarding the situation of Afghan refugees in Pakistan. The meeting was also attended by Mr. Salman Bashir, Director General, United Nations Desk, and Mr. Ashraf Qureshi, Director, United Nations Department, of the Ministry of Foreign Affairs. The Special Rapporteur was informed that the policy of Pakistan regarding the repatriation of Afghan refugees, who are still estimated to number more than 1 million, was similar to that adopted by the United Nations: refugees should return on a voluntary basis, in safety and honour. Mr. Ayub indicated that, with the exception of vulnerable groups, the international community had decreased its assistance to refugees, who represented a considerable burden for his country, and Pakistan expected to receive some encouragement from the international community in that regard. All countries in the region were affected by the situation in Afghanistan, with reference to such problems as the production and trafficking of narcotics, gun

running and terrorism. The policy of Pakistan was that peace must be achieved in Afghanistan so that the economic and other infrastructures in the country could begin to be built. The Special Rapporteur raised the issue of Afghan cultural property which was often smuggled through neighbouring countries to international markets. Mr. Ayub indicated that the Government of Pakistan was assisting UNESCO in related projects and that a coordinating body managed activities relating to UNESCO carried out by the ministries of Education, Culture and Foreign Affairs.

42. The Special Rapporteur met with a group of Afghan women, with whom he discussed the status of women in certain parts of Afghanistan. The lack of educational and employment opportunities as well as violence against women were also discussed.

43. The Special Rapporteur received a detailed briefing from various United Nations agencies about the current situation in Afghanistan and the humanitarian assistance provided to the civilian population in Afghanistan and Afghan refugees in Pakistan. The Special Rapporteur met with the representatives of UNOCHA, UNDCP, UNDP, UNICEF, WFP, WHO, UNHCR and the United Nations Special Mission to Afghanistan (UNSMA).

IV. ISLAMIC REPUBLIC OF IRAN

A. Tehran

44. The Special Rapporteur met with Mr. Pirooz Hosseini, Director-General, International Economic and Specialized Agencies Department, at the Ministry for Foreign Affairs. He informed the Special Rapporteur that the Islamic Republic had received more than 2.5 million Afghan refugees over the years on the basis of two principles: Islamic principles and values, and international law. He recalled that his country at one time had had the largest refugee caseload in the world. The governmental authorities provided refugees with assistance and cooperated closely with a number of United Nations agencies and humanitarian NGOs. Among the services provided were literacy classes and vocational training. Mr. Hosseini indicated that close cooperation had been established with UNHCR regarding the repatriation of Afghan refugees through the establishment of a tripartite commission. Iranian policy on repatriation was that it should be voluntary, safe and respectful of refugees' dignity. The general situation of Afghan refugees was good. They had the possibility of talking about their problems freely through their representatives in Tehran and in the provinces. The Special Rapporteur was informed that Afghan refugees were concentrated in the provinces of Khorassan, Zahedan, Kerman as well as in Tehran and northern parts of the country and that few were living in camps. Repatriation had been going well but was complicated by the internal conflict in Afghanistan. The solution was for the international community to help with the reconstruction of Afghanistan and its infrastructures. The Islamic Republic expected the international community to assist recipient countries to shoulder the burdens caused by refugees.

45. The Special Rapporteur met with Mr. Alaoddin Boroujerdi, Deputy Minister for Asia and Oceania at the Ministry of Foreign Affairs. He indicated that the

efforts of the Islamic Republic to help in extinguishing the flame of war in Afghanistan were a complement to the Special Rapporteur's human rights mission and that the first duty of the international community was to halt the war. Mr. Boroujerdi expressed concern over the denial of access to education for girls in certain parts of Afghanistan. In the field of health, he informed the Special Rapporteur that his country had established dispensaries and health facilities in Afghanistan in Mazar-i-Sharif, Yakaolang, Bamyan, Kabul and Jalalabad and had participated in a joint campaign of vaccination against polio. An aid committee was established with the objective of assisting Afghan communities in becoming self-sufficient through income-generating activities. In Kabul, a number of families assisted by this committee has set up home carpet-weaving workshops. The skills and crafts which Afghan refugees have learned in the Islamic Republic can help to provide a skilled workforce in their own country upon return. A vital necessity was to repair roads in Afghanistan in order to facilitate the transit of returnees.

46. The Special Rapporteur was informed that Afghans had the same access to educational institutions as the local population. Mr. Boroujerdi stated that there were more than 20 million students in the Islamic Republic and that tens of thousands of Afghans had completed elementary, high school and university studies in the country and were working there. The Special Rapporteur indicated that the successful experience of the Islamic Republic in the field of education and the very high level of both male and female enrolment in educational institutions could easily be accepted by other Islamic societies. Mr. Boroujerdi cited in this regard a mid-wife course for Afghan women in Isfahan where the number of applicants far exceeded the 50 to 60 initially foreseen by the organizers. Afghans had also received training in computer skills at a technical education centre in Karaj. At Bir Jan, near the border with Afghanistan, many Afghan students were attending classes at the faculties of medicine and engineering. Mr. Boroujerdi stated that the United Nations could significantly assist qualified Afghans by providing them with the instruments of their trade such as tractors, seeds, etc. He underlined the fact that most Afghan refugees in the Islamic Republic of Iran did not live in camps and he expressed the hope that the facilities offered to refugees in the Islamic Republic should not lead the United Nations to forget it but rather to assist it in its efforts.

47. The Special Rapporteur was received by Mr. Ahmad Hosseini, Adviser to the Minister of the Interior and Director General of the Bureau for the Affairs of Foreign Immigrants (BAFIA). He told the Special Rapporteur that BAFIA had 25 branches in all provinces and employed a staff of 800. Afghan refugees wanted to return to their country but were unable to do so because of the lack of security, which warranted more assistance by the international community to both the host country and the refugees. As one of the earliest signatories to the 1951 Convention, the Government considered itself bound by international treaties regarding refugees. However, the foremost principles guiding Iranian policy towards Afghan refugees were the principles and elements of Islamic culture and faith. Refugees were encouraged to return to their country on a voluntary basis.

48. Mr. Hosseini stated that the question of human rights could not be limited only to the consideration of the situation of refugees in the host country but

also included the consideration of the conduct and policies of the international community towards the refugees. He indicated that the programme for the return of Afghan refugees was carried out within the framework of the Tripartite Commission and that the United Nations supervised their return. More than 500,000 persons had returned to Afghanistan under this scheme. The Special Rapporteur was informed that more than 1,300,000 refugees had returned to Afghanistan while more than 1,400,000 remained in the Islamic Republic. Mr. Hosseini underlined the fact that they did not live in camps. The Islamic Republic was developing human resources of the Afghan refugees, whose literacy rate was more than 67 per cent. Afghan women had created a charitable NGO called the Society of Afghan Women which organized seminars and cultural events. Mr. Hosseini stated that the international community ought to fulfil its duty towards Afghan refugees and host countries. He cited the example of a shortfall of some 250,000 tons of rice for refugees.

49. The Special Rapporteur met with Mr. Zeinoddin, Head of the Department of Human Rights at the Ministry of Foreign Affairs. They exchanged views on the general situation of Afghan refugees and the conditions conducive to their return.

50. The Special Rapporteur visited the Semnan refugee camp which had been established in 1990 in Semnan Province. He toured the camp and met with the director and the representative of BAFIA. The Special Rapporteur was informed that approximately 27,500 Afghan refugees lived in 6 camps throughout the country. The Semnan camp housed approximately 2,000 Afghans and was divided into different blocks according to income-generating activities. The camp had one traditional health post, one mosque and one library as well as facilities for water and sanitation. Refugees received a World Food Programme food basket. The Special Rapporteur was informed that WFP had taken rice out of the food basket and that Iraqi refugees were receiving slightly bigger quantities. Education was provided at the primary level and there were two literacy programmes: for adults and children. Twenty-five refugees were trained to make cement construction blocks and 80 women were learning how to weave kilims. Mechanical shovels were manufactured in the camp. The Special Rapporteur visited the health post and a sewing class for 30 women.

B. Mashad

51. While in the Islamic Republic, the Special Rapporteur visited Mashad, in Khorassan Province, where a large number of Afghan refugees lives. He regrets not having been able to meet with the Governor of Khorassan Province and with the head of the BAFIA in Mashad. The Special Rapporteur met with the Consul General of Afghanistan, Mr. Azizi, and with the Vice-Consul who is also Counsellor for the repatriation of Afghan refugees, Mr. Aryapur, with whom he discussed the situation of refugees and their prospects of return. They stated that the continuous conflict as well as the situation prevailing in certain parts of Afghanistan did not encourage repatriation and that arrangements were being made through the Tripartite Commission for some returnees to transit through Turkmenistan. As concerns the life of Afghan refugees in the Islamic Republic, one of the problems cited in addition to employment was that they had no health insurance.

52. The Special Rapporteur met with the representatives of the Tebyan Centre for political and cultural activities, whose members included students and clerics. The centre, which was founded in 1993, is headed by an academic and a theologian and has branch offices in most Iranian provinces. One of the centre's cultural activities included the preservation of the cultural heritage and the human rights of the Afghan people. The Special Rapporteur was informed that the Tebyan Centre cooperated with the Centre for the Guidance of Afghan Women in Mashad.

53. The Special Rapporteur met briefly with a number of individual Afghans. They stated that their principal problems were the lack of financial resources and fear that their residence certificates would be withdrawn. The Special Rapporteur was informed about the case of a family that had been taken to the Torbat-e-Jam camp where they lived in precarious conditions on a diet consisting predominantly of bread.

V. BRIEF OUTLINE OF THE POLITICAL SITUATION

54. On 4 April 1996, the Taliban-supported Grand Council of Ulema proclaimed the head of the Supreme Taliban Shura (Council), Mullah Mohammad Omar, as Amir-ul-Momineen (Leader of the True Believers). The Council also issued a fatwa (religious ruling) calling for a holy war (jihad) against the Government of President Rabbani. On 20 May, President Rabbani met with the leader of Hezbe Islami, Mr. Gulbuddin Hekmatyar, in order to conduct negotiations on forming a coalition and discussing the modalities of reaching a peaceful solution to the conflict in Afghanistan. On 26 June, Mr. Hekmatyar became the Prime Minister of the Government in Kabul. Discussions between President Rabbani and the representatives of the Jalalabad Shura (Council) took place on 28 June. The appointment of a nine-member cabinet was announced in Kabul by President Rabbani on 3 July.

55. The Taliban took control of Mr. Hekmatyar's principal military base located in Spina Shega in August. They also seized a large ammunition depot located near Sarobi, in Paktia Province. On 29 August, the Salang highway, which was controlled by the forces of President Rabbani and those of General Dostom and which leads from Kabul to the north of Afghanistan and on to Central Asia, was reopened for public traffic after three years of closure. At the beginning of September, the Taliban took control of two districts in Logar Province, near Sarobi. On 11 September, the Taliban entered Jalalabad in Nangarhar Province. The Governor of Nangarhar who had headed the Eastern Shura (Council), covering Nangarhar, Kunar and Laghman provinces, left Jalalabad for Peshawar, Pakistan. It was reported that some 5,000 persons had arrived in Peshawar from Afghanistan and that some 7,000 were awaiting permission to enter Pakistan at the Torkham border crossing.

56. On 12 September, the former King of Afghanistan, Mohammad Zaher Shah, issued a statement in Rome in which he indicated that he had decided to return to Afghanistan "at the earliest possible moment in order to perform, as far as humanly possible, a role in restoring peace, security and the national unity of Afghanistan". On 13 September, the Taliban took control of Laghman Province, which was subsequently bombarded heavily that day as well as on 15 September by

the forces of President Rabbani. The Taliban took control of the capital of Laghman Province, Mitharlam, on 16 September and appointed Mullah Mohammad Rabbani as the head of the Eastern Shura (Council). Mullah Mohammad Tahir Anwari was named Governor of Nangarhar Province. On 24 September, the Taliban captured Sarobi, a strategic town located some 70 kilometres from Kabul. The Taliban military leader, Maulavi Borjan, is reported to have been killed during this attack. On 26 September, the Taliban took control of Laghman and Kunar provinces and of Naghlu dam, which provides Kabul with electricity. The former Governor of Laghman, Abdullah Jan, was killed during the fighting.

57. In the early hours on 27 September, the Taliban entered Kabul, reportedly facing little resistance. Violating the immunity of UNSMA premises, armed men are reported to have abducted from the compound and subsequently executed the former President of Afghanistan, Mr. Mohammed Najibullah, his brother and two associates. Their bodies were subsequently exposed in public. The Taliban also captured the Bagram airbase as well as the Tagab valley in Kapisa Province north of the city. On 29 September, the Taliban took control of Charikar, the capital of Parwan Province, and subsequently advanced to Golbahar. It is estimated that the Taliban now control approximately three quarters of Afghanistan. The forces of President Rabbani and the military commander Ahmad Shah Massoud first retreated to Jabul Saraj, Shakar Dara and Paghman to the north and north-west of Kabul and subsequently into the Panjshir valley. Mr. Rabbani is reported to have announced that his cabinet had been shifted to the north of the country with the aim of avoiding bloodshed in Kabul. The Taliban advanced in the direction of the Salang highway and the strategic tunnel, which are controlled by the forces of General Dostom, who are deployed some 5 kilometres to the south of the tunnel. Both sides have indicated that they did not want to fight each other. However, the forces of General Dostom, who controls six provinces in the north of the country, have stated that they would defend themselves if attacked. At the time of the finalization of the present report, the Taliban were fighting the forces of Commander Ahmad Shah Massoud, who is loyal to President Rabbani, in an attempt to drive him out and take control of the Panjshir valley.

58. After having taken power in Kabul, the head of the eight-member Taliban Supreme Council, Mullah Mohammad Omar, announced that the country would be governed by a six-member interim ruling council headed by Maulavi Muhammad Rabbani, the deputy head of the Taliban. A separate commission is said to have been set up to administer Kabul. The Taliban are reported to have called on the international community to extend diplomatic recognition to them as the new Government of Afghanistan. It has been reported that the Acting Deputy Foreign Minister of the Taliban, Sher Mohammad Stanakzai, had stated that all previous contracts and treaties would continue.

59. The United Nations has continued its efforts at mediation to arrive at a peaceful settlement of the conflict in Afghanistan. Mr. Mahmoud Mestiri, the Head of the United Nations Special Mission to Afghanistan, resumed negotiations to that end on behalf of the Secretary-General upon his return to Islamabad on 29 March 1996. The Security Council held a formal meeting on 9 April on the situation in Afghanistan. Mr. Mestiri resigned from his post for reasons of health in May. In July 1996, Mr. Norbert Holl was appointed to head the United Nations Special Mission to Afghanistan (UNSMA) by the Secretary-General, who also decided to incorporate the former Office of the Secretary-General in

Afghanistan into the office headed by Mr. Holl. In addition to the head of mission, UNSMA would include a deputy head of mission and a team of military and political advisers and would maintain its offices in Jalalabad and Islamabad. On 25 July, Mr. Holl appealed for the cessation of the endless bloodshed in Afghanistan. The Under-Secretary-General for Political Affairs, Mr. Marrack Goulding, visited Afghanistan and Pakistan from 10 to 17 September with the aim of holding discussions in Kabul with President Rabbani, Prime Minister Hekmatyar, in Mazar-i-Sharif with General Dostom, in Jalalabad with Governor Haji Abdul Qadir and in Kandahar with the leaders of the Taliban, in an attempt to help arrive at a negotiated settlement of the conflict in Afghanistan.

60. Mr. Goulding stated that the United Nations Special Mission to Afghanistan had been strengthened and had received instructions to intensify its consultations with the various parties concerning the possible contents of a political process: the establishment of an authoritative council, a ceasefire, the creation of joint security forces, a transitional Government, and elections. More intensive consultations were deemed necessary, especially with the Taliban. After the fall of Sarobi to the Taliban on 24 September, UNSMA requested an emergency meeting of the Security Council. Following the fall of Kabul on 27 September, the Head of UNSMA issued a statement on the death of the former President of Afghanistan, Mr. Najibullah. Mr. Holl expressed the deep dismay of UNSMA at the abduction by armed men of the former President and his brother without any legitimate judicial procedure. On 28 September, the Security Council in a presidential statement voiced concern at the violation of United Nations premises in Kabul and expressed dismay at the brutal execution by the Taliban of former President Najibullah and others who had taken refuge there. The Council called for the immediate cessation of all armed hostilities and urgently called on the leaders of the Afghan parties to renounce the use of force, put aside their differences and engage in a political dialogue aimed at achieving national reconciliation. It also called upon all States to refrain from interfering in the internal affairs of Afghanistan. Demanding that all parties fulfil their obligations and commitments regarding the safety of United Nations personnel and other international personnel in Afghanistan, the Council called upon all parties to cooperate with the Special Mission which would act as a key and impartial facilitator in order to bring about a peaceful solution to the conflict as soon as possible.

Situation affecting the civilian population

61. The armed hostilities have continued in Afghanistan since the Special Rapporteur presented his most recent report to the Commission on Human Rights, in April 1996. Heavy exchanges of rockets and artillery shelling as a result of factional fighting have taken place intermittently in and around Kabul and other front-line areas, particularly near Charasiab, the Khairabad hills, Bandhi Ghazi and Maidan Shar, resulting in loss of life, injuries and significant destruction of property. The majority of victims of heavy fighting are reported to be women and children. In addition to Kabul, heavy fighting was reported between the Taliban and the Government forces led by President Rabbani in Ghor Province. At the beginning of June, the Taliban took control of the capital of Ghor, Chakhcharan. The Taliban clashed with the forces of Hezbe Islami leader Gulbuddin Hekmatyar in Khost Province. Particularly intensive rocketing and shelling, in which more than 60 persons are believed to have been killed and

more than 100 were wounded took place in Kabul on 26 June when Mr. Hekmatyar assumed the post of Prime Minister in the Government of President Rabbani. Also at the beginning of July, Taliban forces and those loyal to President Rabbani clashed in Saighan. It is estimated that some 208 persons were killed and 623 injured in Kabul between January and June. At the end of July and the beginning of August, the Taliban confronted the forces of Mr. Hekmatyar in Paktia and Paktika provinces, resulting in significant loss of life and injuries, while the forces of President Rabbani confronted those of General Dostom in Jowzjan Province. A rocket landed in the building housing the offices of UNICEF on 30 July, causing significant damage to the premises. Numerous families left Nangarhar Province for Pakistan when the Taliban took control of Nangarhar and Jalalabad in September, resulting in extensive loss of life. In addition, tensions between the forces of President Rabbani and the Taliban continued in Sarobi. When the Taliban took Sarobi, on 24 September, more than 50 persons are believed to have been killed, including the Taliban military leader, Maulavi Borjan. The former Governor of Laghman Province was killed when the Taliban captured Laghman. The Taliban captured Kabul on 27 September.

62. The general situation of the civilian population in Kabul continued to be precarious. An increase in the crime rate was reported as the prices of staple goods remained excessively high for the majority of the population. The exchange rate of the afghani, the Afghan currency, continued to fall, which increased prices even further. Nevertheless, lorries continued to transport essential goods along the road to Kabul through Jalalabad. A rapid rise in food prices and an increase in security problems have also been reported in Mazar-i-Sharif. The World Food Programme opened bakeries to meet the emergency needs of internally displaced persons in Kunduz, Saripul and Maimana. In Faryab Province, flooding after heavy rainfall at the end of April is reported to have caused damage to houses, injuries and loss of animals. Deaths and destruction of property, livestock and crops were also reported in Badakhshan Province; at least six persons are said to have been killed in a landslide in Qasi-Dara village. On 16 June 1996, the United Nations began a mass campaign of immunization of children against polio and of mothers against tetanus reportedly involving an estimated number of 15,000 volunteers. After the takeover of Kabul by the Taliban, a dramatic decrease in prices and an increase in the value of the Afghan currency have been reported. The roads from Jalalabad and Maidan Shar leading to Kabul are said to be open.

63. United Nations agencies and non-governmental organizations continued to provide emergency and other humanitarian assistance to the civilian population of Afghanistan.

VI. SPECIAL CONCERNS

64. Dramatic changes took place in Afghanistan at the time of the finalization of the present report. The Taliban movement took control of the eastern part of the country and of the capital, Kabul. It is estimated that the Taliban currently control approximately three quarters of Afghan territory. In the course of the current reporting period, Afghanistan has continued to face a situation of strife and conflict in which the rules of war have not been respected. Several hundred persons have been killed in Kabul as a result of the

exchange of rocket and artillery fire between the Taliban movement and the forces supporting the Government of Burhanuddin Rabbani. In violation of international humanitarian law, the majority of the persons suffering from such attacks were civilians, often women and children. According to United Nations reports, between January and the end of June, a total of 982 rockets fell on various parts of Kabul, killing 208 persons and injuring 623. In addition to the casualties, property has also suffered significant damage. Sporadic disturbances have occurred in other parts of the country. On 25 July, the Head of the United Nations Special Mission to Afghanistan, Mr. Norbert Holl, appealed for the cessation of the endless bloodshed in Afghanistan. Numerous deaths and injuries were also reported in September 1996 during the battles of the cities of Jalalabad, Sarobi and Kabul.

65. In addition to the right to life, the right to liberty and security of the person and the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment have not been respected. Death sentences have continued to be pronounced and public executions of persons convicted by Islamic sharia courts have continued to be carried out. On 30 March, three alleged criminals were reportedly hanged in public in Kabul. Assassinations and revenge killings, some of which have reportedly been based on tribal conflict, have also taken place. Abductions and forcible marriages have also been reported.

66. In the area under the control of the Taliban movement, a man and a woman were stoned in public in the centre of Kandahar on charges of adultery in mid-July. Cases of private vengeance and denunciation have been cited as a frequent cause of severe human suffering. Doubts have been expressed as to whether due process of law was always applied. Persons are reported to have also been executed without having been placed on trial. Between 30 and 50 persons supporting President Rabbani or originating from the Panjshir who were captured by the Taliban in Herat and Ghor provinces are reported to have been executed without trial in Herat at the end of July. In the absence of a unified and impartial judicial system, the administration of justice still appeared to be exercised mostly by the local authorities.

67. After taking control of several provinces in the eastern part of Afghanistan, the Taliban entered Kabul during the night of 26/27 September, without facing significant resistance. It has been reported that in the morning of 27 September, five armed men believed to belong to the Taliban forces entered the UNSMA compound in Kabul; constituting a violation of the immunity of United Nations premises under international law. They reportedly took away by force the former President of Afghanistan, Mr. Mohammed Najibullah, who had taken refuge in the United Nations premises after the fall of his Government in 1992. Mr. Najibullah and his brother, Shahpur Ahmadzai, who was allegedly abducted several hours later, were subsequently summarily executed. Mr. Najibullah reportedly was shot in the head while his brother was hanged. Both bodies were then hanged from a police traffic control platform in a square in the centre of Kabul where they remained exposed in public for more than a day. Two associates of Mr. Najibullah may also have been abducted and executed. The Security Council expressed its dismay at the killing of former President Najibullah and called for the cessation of all armed hostilities in the Afghan conflict.

68. The presence of widely scattered landmines continues to pose a permanent and very serious danger to the right to life. Mines can be found in residential areas, including in Kabul.

69. The Taliban are reported to have stated that they would impose an Islamic system in Afghanistan with the strict enforcement of Islamic law. They are also said to have announced that amnesty would be granted to persons who surrendered to them, that no revenge would be taken and that the lives and property of the citizens would be protected. Those responsible for crimes would reportedly be placed on trial in accordance with Islamic law. According to a report published by Amnesty International on 2 October 1996, hundreds of persons were allegedly arrested during house searches and were reportedly being held for sympathizing with former President Rabbani. Fear was expressed that these persons might be facing torture or ill-treatment and that their families had not been informed of their whereabouts. It has also been alleged that Taliban guards were searching homes for evidence of cooperation with the former administration.

70. On 27 September 1996, the United Nations High Commissioner for Human Rights, Mr. José Ayala Lasso, issued a statement in which he expressed strong concern for the human rights situation in Afghanistan after the fall of Kabul to the Taliban Islamic movement. He appealed to the leader of the Taliban Supreme Council to exercise maximum restraint and to ensure the basic rights of all Afghans, particularly the civilian population, women and children, in keeping with international human rights standards.

71. One of the measures implemented in Kabul after the arrival of the Taliban movement was the closing of schools, including the University of Kabul where women constituted almost half of the student body. Women were asked not to report to work. It has been reported that women who were laid off for religious reasons would continue to receive their salaries at home, with no indication as to how long the payments would continue to be made. A statement was allegedly released to the effect that women would be allowed to resume work after arrangements were made to provide for the separation of male and female staff in the workplace. All issues having to do with female access to education and employment were reportedly referred to the Taliban Supreme Council, led by Mullah Mohammad Omar. Women were encouraged not to leave their houses and are reportedly required when they do go out to wear a burqa or veil which covers the face completely. It has been alleged that violations of the dress code would be punished severely. A number of women are reported to have already been beaten with chains by Taliban guards in the streets of Kabul. Taliban guards have also allegedly entered offices to see whether any women had come to work. It has been reported that the Taliban did not wish to promise to respect international human rights standards, including those having to do with women, and that issues concerning their access to employment and education would be regulated on the basis of Islamic principles through religious decrees. Female education had been suspended in areas previously under the control of the Taliban and few women had access to employment. The Special Rapporteur regretted the closing of the nursing school in Kandahar.

72. During his recent visit to the area, the Special Rapporteur met with members of the Afghan Women's Network and with members of the United Nations Advisory Group on Gender Issues which were only beginning to develop their programmes, which are of vital importance for the future of Afghan society. In

addition, he met with a group of widows, who told him that they would not be able to survive without work. It is estimated that some 25,000 households in Kabul are headed by widows. Some 30,000 households in the city are believed to be headed by women. In Kabul, which is a relatively cosmopolitan city, some 70 per cent of teachers are women.

73. On 4 October 1996, the United Nations High Commissioner for Human Rights sent a message to the Head of the United Nations Special Mission to Afghanistan, Mr. Norbert Holl, in which he asked him urgently to convey once again to the leader of the Supreme Council of the Taliban movement, Mullah Mohammad Omar, his strong concern for the situation of human rights in Afghanistan. In his message, the High Commissioner emphasized the legally binding obligations stemming from the large number of international human rights instruments which Afghanistan had ratified and signed over the years, including the Convention on the Elimination of All Forms of Discrimination against Women. He invited the Taliban leadership to ensure respect for such rights as the right of women to work and the right of girls to education without discrimination.

74. Besides the measures concerning women, it was reported that men, especially those in public offices and the military, would be required to grow long beards within six weeks or face punishment. Allegations have been made that guards have forcibly taken people in the vicinity of mosques off the street into mosques during prayer time. Music and television have reportedly also been prohibited.

75. Before the Taliban arrived in Kabul, hundreds of civilians are said to have fled the city northwards in the direction of Mazar-i-Sharif or towards Pakistan. It has been stated that people had also started to leave the city after the arrival of the Taliban and that some had been prevented from doing so.

76. The civilian population of Kabul is reported to have welcomed the safety prevailing in the city after the cessation of armed hostilities as well as the availability of goods at lower prices. Nevertheless, some 250,000 persons in Kabul, approximately one quarter of the population, received humanitarian assistance from the international community.

VII. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

Continuous deprivation of basic rights and freedoms

77. During his brief visits to Afghanistan, Pakistan and the Islamic Republic of Iran, the Special Rapporteur held meetings and interviews with numerous persons, ranging from political leaders, representatives of central and local authorities, prominent intellectuals, internally displaced persons, persons staying in a refugee camp administered by the Government of the Islamic Republic of Iran and persons staying with private individuals. Based on the information gathered and perceptions gained through such meetings, the Special Rapporteur has been able to draw interim conclusions on the situation of human rights in Afghanistan.

78. The Special Rapporteur wishes to record once again his particular appreciation of the activities of the United Nations agencies, e.g. UNOCHA, UNDP, UNOPS, UNHCR, Habitat, UNICEF, WFP, WHO, UNDCP, and of various other organizations, including ICRC, CARE, OXFAM and Save the Children, which are directed towards achieving stability and improvement in the living conditions of Afghans.

79. During the period under review, the armed conflict in Afghanistan continued and intensified significantly immediately prior to the finalization of the present report. The rocketing and artillery shelling of Kabul has caused serious human suffering and the loss of hundreds of lives and has resulted in even more numerous injuries as well as significant destruction to property, principally among the civilian population. Sporadic fighting in front-line areas between different armed factions erupted into the battles of Jalalabad, Sarobi and Kabul.

80. The widespread presence of land mines, including in residential areas, continues to represent an imminent and serious threat to the right to life.

81. Death sentences have been passed and public executions have continued. Between 30 and 50 members of the forces of former President Rabbani are said to have been executed publicly without due process of law in Herat in July 1996. Three persons were hanged in public in Kabul in March 1996. Amputations have continued to be carried out under the sharia law in areas controlled by the Taliban. Prior to the Special Rapporteur's visit to Kandahar in July 1996, two persons were stoned to death on charges of adultery in the centre of Kandahar city.

82. During his visit to Afghanistan, the Special Rapporteur was keenly aware of the need for the preservation of the country's cultural heritage, which is subjected to wanton destruction and looting. The Special Rapporteur is aware of the differences in traditions prevailing in various parts of Afghanistan, including the cultural tradition and heritage of Kabul, which has evolved at a different pace.

83. Numerous persons continue to be displaced throughout the country. An estimated 3 million Afghan refugees still live in Pakistan and the Islamic Republic of Iran. Repatriation has declined in the course of the current reporting period.

84. The Special Rapporteur's attention was drawn to the deprivation of education or insufficient educational facilities in certain parts of Afghanistan. He has become aware of the importance of tradition in the transmission of knowledge. As a result of the conflict, two generations of Afghans have been cut off from the traditional learning process.

Newly emerging threats to basic rights

85. After the Taliban entered Kabul, armed men entered the United Nations premises - which constitutes a breach of their inviolability - and abducted the former President of Afghanistan, Mr. Mohammed Najibullah, and his brother. Both were subsequently killed without judicial procedure. It has been alleged that

two of Mr. Najibullah's associates may also have been killed on the same occasion. The killing of Mr. Najibullah and his brother amounts to a summary execution. After their execution, their bodies are reported to have been hanged from a police traffic control platform on a square in the centre of Kabul where they remained publicly displayed for over a day.

86. Developments in Kabul at the end of September gave rise to serious concerns about the respect for human rights in Afghanistan. In this connection, the High Commissioner for Human Rights issued a statement on 27 September 1996 in which he appealed to the supreme leader of the Taliban movement to exercise maximum restraint and to ensure the basic rights of all Afghans, particularly the civilian population, women and children, in keeping with international human rights standards.

87. After taking control of Kabul, the Taliban reportedly proclaimed a general amnesty and stated that no acts of revenge would take place. In addition, the Taliban have sought international diplomatic recognition as the Government of Afghanistan.

Grave deteriorations of women's rights

88. Afghanistan has ratified a large number of international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and has signed the Convention on the Elimination of All Forms of Discrimination against Women.

89. On 4 October 1996, the High Commissioner sent a message to the Head of the United Nations Special Mission to Afghanistan, Mr. Norbert Holl, in which he emphasized the legally binding obligations stemming from the large number of international human rights instruments which Afghanistan had ratified and signed over the years and invited the Taliban leadership to ensure respect for such rights as the right of women to work and the right of girls to education without discrimination.

90. As has been the case in other areas under the control of the Taliban movement, women in Kabul were asked not to report to work and educational facilities were closed. Women have reportedly been urged to leave their homes wearing a veil which completely covers their faces. A number of women were allegedly beaten in public in Kabul for violating the dress code.

91. Many women with whom the Special Rapporteur met voiced their fears for the future of Afghanistan - and of its women in particular - in which an entire younger generation had been deprived of an education and the current generation of qualified workers had retired. The Special Rapporteur was aware of the importance of the Afghan Women's Network and of gender advisory groups.

92. An estimated 30,000 households in Kabul are headed by women, including widows. Approximately one quarter of the city's population is already receiving assistance from the international community.

B. Recommendations

93. All parties should respect the inherent right to life of every human being. There should be an immediate cessation of all armed hostilities in Afghanistan and the implementation of a lasting ceasefire that would spare the lives of innocent civilians.

94. The international community should strengthen and accelerate its efforts in order to help bring a peaceful solution to the conflict in Afghanistan as soon as possible. Every effort should be made to curb violence and to diminish antagonism between competing factions and members of the general public from diverse tribal, religious, social and cultural backgrounds.

95. The mine awareness and mine clearance programmes implemented by the international community should be continued. Countries currently producing mines should be made more aware of the consequences of what they produce and should stop the production of mines. The international community should examine ways of discouraging the production of mines.

96. A coherent system of administration of justice should be established that would be in accordance with international human rights norms and the rules of international law. While the international community should respect traditional values and religious beliefs in a given country, certain minimum standards of international human rights law ought to be respected by a country which is a member of that community. Perpetrators of human rights violations should be punished and the victims compensated.

97. All the competent authorities in Afghanistan should abide by its obligations stemming from the large number of international human rights instruments which it has ratified and signed over the years.

98. In this connection, the general amnesty proclaimed by the Taliban movement should be applied without discrimination. There should be no acts of revenge.

99. The Special Rapporteur strongly condemns and deeply regrets the development of events relating to the abduction, on 27 September 1996, from United Nations premises of the former President of Afghanistan, Mr. Mohammed Najibullah, and of his brother and their subsequent summary execution as well as the public display of their bodies. The Special Rapporteur expresses concern at the serious breach of the immunity of United Nations premises, in contravention of international law.

100. The Special Rapporteur endorses fully the statement made by the High Commissioner for Human Rights, Mr. José Ayala Lasso, in which he appealed to the leader of the Taliban Supreme Council to exercise maximum restraint and to ensure the basic rights of all Afghans, particularly the civilian population, women and children, in keeping with international human rights standards. The Special Rapporteur expresses full support for the message which the High Commissioner sent through the Head of the United Nations Special Mission in Afghanistan on 4 October to the head of the Supreme Council of the Taliban movement, calling upon the Taliban leadership to ensure respect for such rights as the right of women to work and the right of girls to education without discrimination.

101. The basic rights of women should be fully restored. The restrictions currently imposed on the activities of women and girls outside the home in areas controlled by the Taliban should be modified in order to allow for access to education and employment. This could help to avert a potential humanitarian catastrophe during the coming cold season, in particular in households headed by widows or those where women are the sole breadwinners. The activities of Afghan women's networks and advisory groups should be encouraged and reinforced.

102. Girls' schools should be reopened and women given access to education and employment. Consideration should be given to benefiting from the positive experiences with female education in accordance with Islamic principles in other Islamic countries. The United Nations humanitarian programme in Afghanistan could be asked to assist in these tasks.

103. The cultural heritage of Afghanistan is a central part of its identity and represents its past, present and even its future. The specific character of the cultural tradition and heritage of Kabul and the pace at which it has developed should be respected. Priority should be given to domestic and international efforts to preserve and protect the cultural patrimony and prevent its looting. The awareness and cooperation of the international community, and in particular of neighbouring countries, is of vital importance in this regard.

104. UNESCO should enhance its activities in Afghanistan in the fields of education and cultural heritage. Possibilities for enhancing cooperation in the field of education in Bamyan Province should be considered.

105. Member States should continue to provide voluntary contributions for humanitarian relief in Afghanistan. The activities of the United Nations Office for the Coordination of Humanitarian Assistance (UNOCHA) should be encouraged and strengthened.

106. The international community should increase humanitarian assistance regarding Afghan refugees and internally displaced persons with a specific view to encouraging voluntary repatriation.

107. The international community should make concerted efforts to suppress the illegal trafficking of narcotics in the areas neighbouring the territory of Afghanistan. There is an urgent need for global action in order to bring an immediate end to the activities of external elements which assist the warring sides by providing weapons, in a way that preserves respect for the enjoyment of the right to self-determination by the Afghan people.

108. In order to stress the importance of information gathered in the field and to benefit from the knowledge and experience gained by United Nations staff in the field, UNOCHA should be requested to assist the Special Rapporteur in the fulfilment of his mandate by ensuring support for his mission through follow-up on specific issues.